

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,413,538  
Appl. No. : 10/019,052  
Applicant : Roger NEW et al.  
Filed : April 22, 2002  
TC/A.U. : 1639  
Examiner : Shibuya, Mark Lance

Docket No. : 1417-212  
Customer No. : 06449  
Confirmation No. : 5183

**GOOD FAITH AND CANDOR LETTER**  
**REGARDING PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The subject patent application issued with a notice that the patent term had been extended or adjusted under 35 U.S.C. 154(b) by 766 days. Patentees believe this is incorrect and that the adjustment should be 628 days. Patentees believe that an additional 92 days should have been deducted at the time the RCE was filed on September 13, 2007. Patentees also believe that an additional 46 days was added to the final calculation. Three year calculation to the RCE filing date (April 22, 2005 to September 13, 2007) equals 874 days. The PTO delay comes to a total of 554 (458+40+10+46) days. 874 days minus 554 days equals 320 days, not 366 which was given by the PTO for PTA 36 months.

